



## OAK BLUFFS ZONING BOARD OF APPEALS

P.O. BOX 1327, OAK BLUFFS, MA 02557-1327

508 693 – 3554 x 120

### **NOTICE OF DECISION      October 20, 2022**

#### **RE: Seklecki Appeal**

Dan Seklecki and Catherine MacDonald  
16R Old Schoolhouse Village Road  
Map 50 Parcel 9

The Oak Bluffs Zoning Board of Appeals opened a duly posted and continued Public Hearing on Thursday, October 20, 2022 at 7:45PM via an in-person meeting in the Oak Bluffs Town Hall Meeting Room on the application of the referenced petitioners seeking a Special Permit from the Oak Bluffs Zoning Bylaws Section 3.5.5 to allow the expansion of living space in the residence.

**DECISION: A motion was made to approve the Special Permit under Zoning Bylaw Section 3.5.5 to allow a small 162 square foot addition to a non-conforming structure on a pre-existing non-conforming lot zoned R3.**

#### **Procedural History:**

- On Dec. 28, 2021, the Zoning Board of Appeals (ZBA) received an application dated Dec. 6, 2021 from Dan Seklecki,
- The application was date-stamped by the Town Clerk on Dec. 30, 2021,
- On January 6, 2022, abutters were noticed. First publication in the MV Times,
- On January 13, 2022, second notice published in the MV Times,
- On January 20, 2022 the ZBA hearing was opened and discussed,
- The hearing was continued to February 17 so the Seklecki's could revise their plans to meet zoning setbacks,
- The hearings were opened and continued monthly without testimony until November 17, 2022,
- On November 17, 2022 the ZBA hearing was opened and the following findings were made.

#### **Findings of Fact:** Jonathan Holter made the following findings.

- The lot is zoned R-3 with 50 foot setbacks,
- the lot is non-conforming since it is too small (60,000 square feet required) and it does not have enough road frontage (150 required),

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**Findings of Fact:** (continued from previous page)

- the proposed addition has been reduced to the minimum necessary to make the downstairs bedroom more functional,
- the currently non-conforming side setback will be reduced by 10 feet,
- the lots in this subdivision are too small to meet most R3 setbacks,
- the proposed small addition makes the downstairs bedroom more livable for senior citizens, and
- this project will not be more detrimental to the neighborhood since other properties have similar setbacks that do not meet zoning.

Jonathan Holter moves that we approve the Special Permit within Zoning Bylaw 3.5.5 to allow this small 162 square foot addition. Doug Pease seconds the motion.

All (Andrea Rogers, Lou Rogers, Doug Pease, and Jonathan Holter) voted in favor, so the motion passed unanimously (4-0).

**Signing on behalf of the Zoning Board of Appeals is**

  
Llewellyn Rogers, Chair

*A copy of this decision was filed in the office of the Town Clerk, on Nov. 22, 2022. Appeals, if any, should be made pursuant to Section 17, of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk, excepting that such timeframe may be suspended and extended pursuant to Section 17 of Chapter 53 of the Acts of 2020 (Covid-19).*

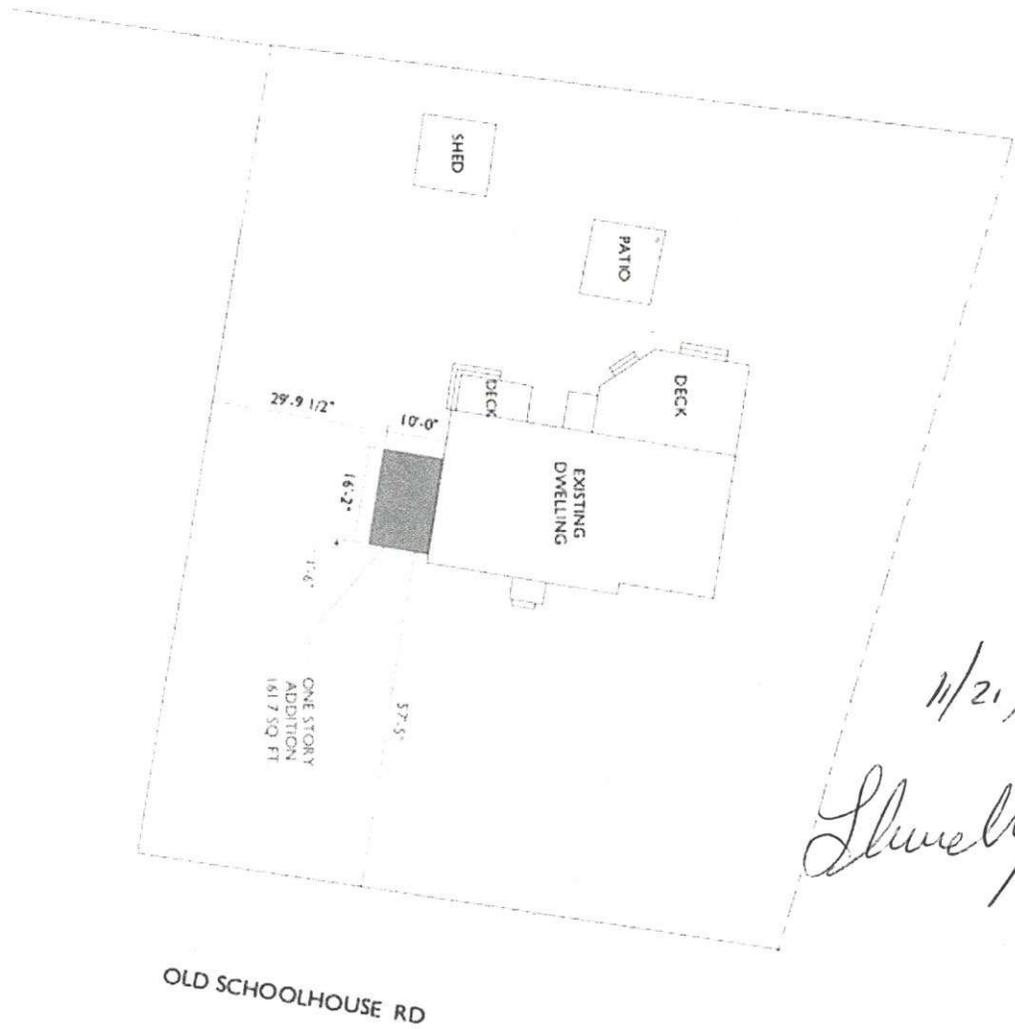
Received and filed in the Office of the Town Clerk:

Date: NOVEMBER 22, 2022

I hereby certify that no appeal has been filed within the twenty-day period following the date of the filing of this decision.

Attest: \_\_\_\_\_  
Colleen Morris, Town Clerk

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1/21/22  
*Shively Roof*

SCALE 1" = 20'

